

Robert H. Thornhill
7191 SW 161st Place
Beaverton, OR 97007
503-848-8349, rhtkaze1@aol.com

March 7, 2011

Governor Kitzhaber
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Governor Kitzhaber:

Because your plate is more than full, it is with some reluctance that I seek your intervention on a long festering problem.

The problem I write about has to do with civilian jobs for Oregon's returning soldiers. As I'm sure you understand, for the returning soldier, a civilian job is essential to his finally really being home.

The March 7, 2011, issue of TIME magazine carries the tragic story of a returning Guardsman, who, after murdering his pregnant wife, their 13 month old daughter and the family's three dogs, put the pistol to his own right temple and fired his last shot. In addition to suffering from the demons of PTSD, this former Guardsman was having trouble finding a job.

I am by no means an expert on the subject of suicide, but I have attended lectures on suicide prevention by VA professionals at my VFW Post. And over the years I have dealt with veterans looking for work. At one time I was one of them. I know that having a family to feed and to be without a job is in and of itself devastating. Coupled with the demons of PTSD, I imagine the despair of such a situation can seem overwhelming. We will never know, of course, but had the Guardsman in the TIME story had a civilian job to put his mind to, there might not have been such a tragedy to write about.

I do not know how many veteran Guardsmen have committed suicide in Oregon, or of those, how many were looking for a job. However, the 2008 report of the Governor's Task Force of Veterans' Services states, "Since the wars in Afghanistan and Iraq began, an equal number of Oregon National Guardsmen and Reservists have committed suicide as have died in combat." (page 52 of report)

There are a large number of returning Guardsmen in Oregon looking for a job. The 28 February 2010 *Opinion* section of The Sunday Oregonian, in reporting on the 41st Brigade Combat Team's preparation to come home from Iraq, headlined: **Job well done over there...now where's a job**

ENCL #1

back here? The April 1, 2010 issue of The Oregonian carried the front page headline: **Home is only the beginning.**

Both articles addressed the unemployment problems faced by the returning soldiers. Mike Francis, in the first article, wrote that "At least 800 of them, likely more, don't have jobs." The second article states, "Nearly 52 percent of the returning soldiers told commanders they have no job waiting."

The 2007 session of the Oregon legislature passed a bill (SB-822), patterned somewhat after the Veterans' Preference Act of 1944 on the federal level. The 1944 Act has assisted thousands of veterans competing for federal jobs. SB-822, codified at ORS 408.225-235, gives Oregon veterans hiring preference for Oregon public service positions in state, county, city, local special districts and certain other government bodies. One of the best descriptions of the system is contained in attached article by Dana Bennett, distributed by the Oregon League of Cities. (Enclosure 1)

Veterans' preference does not create jobs, nor does it guarantee that a veteran will be hired. It does ensure, however, that a veteran shall be hired, with clearly defined exception, in preference to an equal or less qualified non-veteran. Thus preference will do more than get a veteran an interview; it will give the veteran more than just a leg up in the competition for the few public service jobs available. However, ORS 408.225-235 will give the job-seeking veteran the preference provided by the law only if the law is implemented and applied with integrity.

Almost four years after its enactment, evidence indicates the Oregon system has yet to be fully implemented by all government activities to which it applies. To the degree it has not been implemented it has been of no assistance whatsoever to the returning soldiers of the 541st Brigade, or to any other veteran applying for an Oregon public service position.

The bases for the assertion the law has not been fully implemented are set forth in the attached email messages. At enclosure 2 is a copy of an email, dated 17 February 2010, subject: Veterans' Preference for Oregon Public Service Positions, addressed to Kerry Johnson, Bureau of Labor and Industries, info to, among others, Jim Willis, Director of Veterans Affairs. Unnumbered paragraph 5 explains how the conclusion was reached that 22 of Oregon's 37 counties were probably not applying veterans' preference in their hiring practices. That message was referred to BOLI Civil Rights Division for response. I have not received a reply.

Attached as enclosure 3 is a copy of an email dated 27 April 2010, Subject: Veterans' Preference for Oregon Public Service Positions, to Jim Willis, Director of Veterans Affairs, info Paul Evans, former advisor in the Governor's office, pointing out deficiencies in the information on the ODVA website. Many of those deficiencies were later corrected. However, the message also pointed that it was obvious that many covered organization were not aware of the veterans' preference statutes. As far as can be determined no action, beyond the website, has been

taken by ODVA to advise veterans or the covered agencies of the requirements of ORS 408.225-235. (Please note this exchange took place almost three years after enactment of the basic law, SB-822.)

Attached as enclosure 4 are copies of an exchange of emails between management of the Tualatin Hills Park and Recreation District and the undersigned. The gist of the messages is that THPRD was not aware of the veterans' preference statute, but when made aware quickly established procedures to apply veterans' preference in its hiring practices. This exchange illustrates what can be done, with interest and initiative. I suggest there are a lot of organizations like the Tualatin Hills Park and Recreation District who would get with the program if made aware of it. Undoubtedly, there are also scofflaws.

It is clear to me that the Director of Veterans Affairs bears some, if not primary, responsibility, and should be held accountable, for the failure of the veterans' preference law to be fully implemented. In this regard ORS 406.030 prescribes : "The Director of Veterans' Affairs, in the performance of the duties of the director, shall organize and coordinate the administration of all present and future federal and state laws pertaining to veterans, their spouses, dependents and survivors in this state." (Underscoring added)

As far as the record shows, beyond belatedly (about three years belatedly) copying Oregon Administrative Rules and ORS, developed by the Department of Administrative Services and the Bureau of Labor and Industries, to the ODVA website, the Director of Veterans Affairs has done nothing apparent to organize and coordinate the administration of veterans' preference law. I recognize the law was not thought of at ODVA, but that is no excuse for the Director not doing his job of organizing and coordinating its implementation.

Belatedly copying the ORS and OAR developed by others to the ODVA website is not enough. Rarely if ever would the organizations covered by the veterans' preference consult the ODVA website unless directed to it. I suspect veterans with access to internet might visit the website to check on a benefit. However, not all veterans have access to the internet. A veteran not aware of his or her benefits, or rights, in essence, has neither.

Some recommendations as to what ODVA should have done long ago and should do now:

1. Publish the provisions of ORS 225-235 and how applied in the ODVA publication, VETS NEWS. This is probably the publication devoted to veterans' issues with the widest circulation in the veterans' community. If veterans know their rights under the law, including their right to seek redress through BOLI and the courts, they can help immeasurably in seeing that the law is applied. I suggest attaching a copy of Dana Bennett's article to an issue of VETS NEWS would serve the purpose. (Ms. Bennett and the League of Cities gave VFW Post 1442 permission to copy and distribute. I suspect ODVA could obtain like permission.) The VET NEWS article should, however, go further and specifically and in detail identify the organizations covered by ORS 225-235.

2. The Director of Veterans Affairs has access to a network of county and state Veterans Service Officers. The network covers Oregon. (ORS 406.450) These VSOs should have the organizations covered by ORS 225-235 identified to them and be oriented on what to look for in terms of ensuring the covered organizations in their jurisdiction are applying the law. They should also be given instructions on what to report and to whom in cases of suspected non-compliance. Action should be taken by appropriate authority to deal with the scofflaws.
3. Related to the employment of veterans, the report of the Governor's Task Force of Veterans' Services, authored by staff of ODVA, states, "The Legislature should support the development of a state recognition program for employers that hire veterans, support veterans, and veteran-owned businesses." (page 27) Rarely does a legislature develop these kinds of programs from scratch; the executive proposes such a program, and if necessary, the legislature disposes. If ODVA developed such a program, per their own suggestion, for the Governor's submission to the Legislature, I suggest the Legislature would support. Such a program is needed and overdue.

Governor Kitzhaber, request you ensure that the Director of Veterans Affairs moves out smartly to implement the foregoing recommendations. With your interest, Oregon's veterans' preference law should be fully implemented and administered with integrity by the time the Airmen you just saw off to Afghanistan return home.

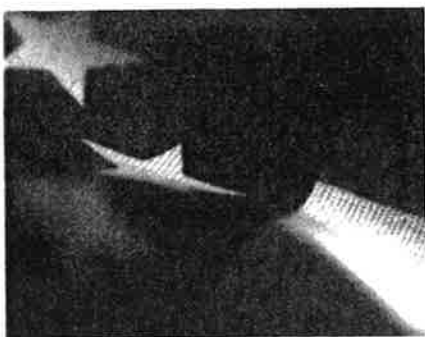
If you or your staff have any questions about the content of this letter, I will be pleased to try to answer.

Sincerely,

Robert H. Thornhill
Life Member, VFW

Enclosures
As stated

Cc: Senators Mark Hass and Brian Boquist



Understanding Changes to Veterans' Preference

Establish a method when screening qualified job applicants

By Dana Bennett, LGPI HR/Labor Relations Consultant

Passed during the 2009 legislative session, House Bill 2510, regarding Veterans' Preference, took effect January 1, 2010. The bill's purpose is to clarify changes that were intended by Senate Bill 822 in 2007, along with making some additional changes. In general, Oregon's Veterans' Preference law requires public employers to provide hiring preference to veterans or disabled veterans who complete an initial application screening for most public employer offered positions.

The questions relating to Veterans' Preference include:

- Who is required to provide Veterans' Preference?
- What positions does it apply to? and
- How do impacted entities comply with the law?

WHO

All state agencies, along with cities, counties and special districts, are covered agencies under Veterans' Preference. Per the language in the bill, the term public employer means "a public body, as that term is defined in ORS 174.109, and any person authorized to act on behalf of the public body, with respect to control, management or supervision of any employer." ORS 174.109 goes on to define a public body as meaning "state government bodies, local government bodies and special government bodies.

WHAT

Despite language in the law that references "civil service positions," the bill clarifies that Veterans' Preference applies to nearly all positions, by requiring preference for any position in a covered agency that is filled through any type of selection process. Positions filled through pure seniority systems would not be covered. The law includes positions which are filled through "recruiting, selecting and promoting employees on the basis of their relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants." There is no requirement that the positions be delineated as "civil service" nor that positions be governed by any type of civil service oversight board.

HOW

The final and more challenging issue is how covered agencies comply with Veterans' Preference. The basic screening of initial applicants still applies, with some modifications. Veterans no longer have a 15-year limitation on receipt of preference. It is

now a lifetime benefit. In addition, veterans are now required to have been honorably discharged in order to be eligible for preference. Aside from those two changes, the process for determining eligibility has not changed.

The new bill makes it clear that even in selection processes that do not result in a score, such as application screening and/or interviewing, agencies are required to apply Veterans' Preference. Agencies are required to establish a method for applying preference to non-scoring selection systems. The law states that, "for an application examination that consists of ... [a] method of ranking that does not result in a score, the employer shall give a preference to the veteran or disabled veteran ... [The employer] shall devise and apply methods by which the employer gives special consideration in the employers' hiring decision to veterans and disabled veterans." (ORS 408.230)

The law does not require an agency to move to a points-based system, but only to establish and apply some method for special consideration. It is important to remember that preference must be given at each screen-out phase of the selection process. However, of equal importance is that the preference only applies to qualified candidates. An initial screen for minimum qualifications can and should occur prior to any consideration of Veterans' Preference. A recent discussion with Joseph Tam of the Bureau of Labor and Industries (BOLI) confirmed that preference is applied after candidates have passed a selection phase. When administering a test, preference points are not added to candidates who failed to pass the test. Preference is not intended to help a candidate pass minimum requirements, but only to provide greater consideration or weight for positions for which the veteran is qualified. However, when conducting secondary application screening for the "most qualified," preference must be applied.

One suggestion for applying preference in a screening process would include a procedure where once a low, medium and high segregation of applications are established, any veterans who are in the medium category are moved up to the high category and therefore interviewed. This would be a documentable procedure where an agency could demonstrate that the preference was applied. It may be that an agency screens using a four-category procedure. The same could apply in that the veterans could be moved one category up in the process. Because the law requires that preference be applied at each elimination phase of the selection process, another method would need to be developed for the interview process. If ranked order results from an interview

process, the procedure to apply special consideration might include moving the veterans up one placement in the ranking, or some similar procedure.

The important aspect of the *how* to apply preference is to establish, in writing, a procedure for applying preference and then ensure that all applicable agency members are trained in how to use the procedure. The procedure should include a documentation trail so that if a veteran is not hired and requests information on how preference was applied, the recruitment file shows a clear trail of preference at each phase of the process. The documentation will also assist human resource professionals to ensure that managers are in compliance with the law.

The law provides veterans with the right to request the reason for not being appointed: "Upon written request employer shall provide the employer's reasons for the decision not to appoint the veteran." It will be important for employers to maintain records of preference given and the facts that support the final selection decisions in order to comply with the law.

The law does not require veterans to be hired. Only that they receive preference and that should they be (with preference) equal to or better than the top candidate, that they then be appointed to the vacant position.

In addition, some veterans may be eligible for preference in promotional processes. If an employee is activated (by their military unit) and then returns to employment with an agency and subsequently applies for promotion, Veterans' Preference will apply. The law states that the employer shall grant the preference "if the person seeks promotion to a position with a higher maximum salary rate and the person (a) was granted military leave by the public employer to serve in the armed services; (b) returned from military leave to the civil service position ... (d) successfully completed a test to examination for the position; and (e) meets the minimum qualifications ... for the position."

All public employers are covered agencies under Veterans' Preference and must apply preference to all competitively filled positions within their agency. To comply with the law, a procedure is necessary that allows managers and supervisors to apply preference consistently at each phase of the selection process, including phases that do not result in a score. The procedure should include a documentation trail, so that the agency will be able to respond to requests from veterans (their right under the law) regarding why they were not selected and demonstrating how preference was applied. The changes in the law do not require employers to convert current selection systems to a points based system, merely to establish a method by which special consideration can be applied. ■

Subj: Fwd: Veterans' Preference for Oregon Public Service Positions
Date: 2/17/2011
To: kerry.johnson@state.or.us
CC: jcarroll@fellowsfarms.com, Jim.Willis@state.or.us
BCC: sen.markhass@state.or.us, rep.JeffBarker@state.or.us, rep.saragelser@state.or.us,
rep.tobiasread@state.or.us, WolfcreekZ@hotmail.com,
gopher1968@hotmail.com,
mikefrancis@news.oregonian.com, editor@clackamasreview.com,
MKelly@CommNewspapers.com, news@asianreporter.com,
newsroom@news.oregonian.com, gbrennflec@aol.com, geowinslow@yahoo.com

Kerry Johnson
 Bureau of Labor and Industries

Here I am again seeking your advice/help. Forwarded is an email message which I sent to the Superintendent and Secretary of the Board of Chehalem Park and Recreation District, Newberg, Messrs. Clements and Anderson, respectively, inquiring about the district's apparent failure to apply veterans' preference in hiring. I have not received a reply to this 9 Feb 2011 email.

I have sent similar emails to a few other organizations (cities, counties, park and fire and rescue districts) whose websites indicated they were probably not applying the veterans' preference law. Frequently I have received a favorable response, with thanks for bringing the matter to their attention, indicating they had not been aware of ORS 408.225-235. Such organizations, for example, the Tualatin Hills Park and Recreation District, then proceeded to develop procedures indicating compliance.

Several, like the Chehalem Park and Recreation, elected not to reply. Of course, I have no authority or standing to require a reply. In the email to Chehalem, for the first time, I indicated that in the absence of a reply I might refer the matter to BOLI. Thus, this email. Is there anything BOLI can do to cause compliance? Could you perhaps follow-up confirming that the law does apply, urging them to get with it? Or do we have to wait until perhaps a veteran job applicant is rejected, without consideration of preference, thus having standing to file a complaint with BOLI? Or would a citizen such as I, or an organization such the VFW, have standing to file a complaint with BOLI or initiate court action on the basis that a particular organization is not in compliance with the law? Or perhaps a suit against an agency of state government for failure to perform its duty with respect to administration/enforcement of the law?

A good law on the books does no good if not applied and enforced. The basic law in this case, SB-822, has been on the books since 2007. Long overdue for enforcement. The public deserves, indeed, pays good money to have the laws their legislators pass put into effect and enforced. Job-seeking veterans deserve the preference ORS 408.225-235 provides. They have done their job; the public employees who are paid and charged with applying and enforcing ORS 408.225-235 must be held accountable to do theirs.

(Please do not construe the preceding as directed at BOLI. In my opinion BOLI, and you in particular, have done a timely and outstanding job with respect to implementing SB-822).

For your information, on 12 Feb 2011, I reviewed the websites of all Oregon counties. I looked for evidence that the county applied vet pref, such as in their instructions to applicants, in vacancy announcements, or in application forms. Where all three were silent with respect to vet pref, I concluded the county was not applying veterans' preference in hiring. Perhaps not a fool-proof test but I suggest about as good as can be devised without on-site, hands-on. (And I hope someone knowledgeable of the subject will double check me.) In the 12 Feb 2011 review With respect to the following 22 counties, I found no evidence on their websites that they were giving preference to veterans: Baker, Clatsop, Coos, Crook, Curry, Gilliam, Grant, Harney, Hood River, Klamath, Lake,

Thursday, April 14, 2011 AOL: Rhtkaze1

Linn, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallawa, Wasco, Wheeler and Yamhill.

The websites of the remaining counties clearly indicated they were applying veterans preference, usually in instructions to applicants and/or in the application forms themselves by providing blanks to claim preference, indicate periods of service, requirement to submit DD-214, etc.

I suggest a review of the practices of the special districts and other special government bodies to which the law applies would result in similar findings; i.e., several not in compliance.

In terms of public information about the veterans' preference statutes, the Oregon VFW's publication, The Oregon VFW NEWS, January - February 2009 issue, carried a detailed discussion of BOLI's implementing instructions. The VFW does not have the means to communicate with the much wider community of veterans, who could, if fully informed, help spread the word, or with the state activities covered by the law. The state does have a publicly funded publication which I believe does reach the wider veterans' community.

Finally, a question: Are school districts such as, for example, Beaverton School District, covered by ORS 408.225 -235?

As you may note I have taken the liberty of including Jason Carroll, the Oregon VFW Judge Advocate, and the Director of ODVA as cc addressees on this email.

Robert H. Thornhill
Beaverton, Oregon
Life Member VFW

From: Rhtkaze1@aol.com
To: dclements@cprdnewberg.org, landerson@cprdnewberg.org
BCC: gopher1968@hotmail.com, rhaltiner7085@msn.com, dennisohrsm@comcast.net, geowinslow@yahoo.com, gofiya5@hotmail.com, jcarroll@fellowsfarms.com
Sent: 2/9/2011 4:44:36 P.M. Pacific Standard Time
Subj: Veterans' Preference for Oregon Public Service Positions

Sirs,

Stemming from Senate Bill 822 (2007), Oregon Revised Statutes 408.225-235 require Oregon government entities as defined by ORS 174.108 to grant preference in hiring to eligible veterans. I believe your district is covered by the cited statutes. However, a review of your application materials indicates that you probably are not granting preference IAW ORS 225-235. I say this because in order to grant preference IAW the law, the veteran must provide certain prescribed information on or with the application. The application that I reviewed does not provide for furnishing such information. The form did ask if the applicant had served in the military and if yes, provide the date. That alone is insufficient to comply with the law.

It is requested that you determine if you are in fact covered by the cited statutes and if you are, it is requested you bring your hiring practices in line with the veterans' preference requirements. In addition to cited statutes, for guidance I refer you to the Bureau of Labor and Industries, the agency that wrote the basic rules implementing SB-822 at www.oregon.gov/BOLI, click on FAQs and Fact Sheets and on Veterans near bottom of next screen. Probably the best explanation of the veterans' preference system requirements is the Dana Bennett article, Understanding Changes to Veterans' Preference, a copy of which is

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attached. Finally another source is Oregon Veterans Affairs,
www.oregon.gov/ODVA/HireVetsFirst.shtml.

I have discovered in my inquiries that many organizations similar to yours were simply not aware of cited statutes, and once they became aware determined they were covered and quickly came into compliance.

If you determine you are covered and want some help in revising application forms, etc., let me know and I can refer you to organizations that have established ongoing systems.

Who am I? Just a Korean War veteran who had a hand in getting SB-822 on the books, and who is concerned that job-seeking veterans receive the hiring preference the citizens of Oregon intend for them to have. I hope you will agree that they deserve the preference. My aim is to ensure in my spare time that covered organizations are aware of the law, and that veterans know their rights under the law so that they may seek enforcement through BOLI, if necessary. When I don't get responses to this kind of inquiry I simply refer the matter to BOLI and the nearest veterans organization.

I hope the above proves useful to you. I would appreciate a response and the opportunity to help if needed.

Thanks in advance.

Robert H. Thornhill
7191 SW 161st Place
Beaverton, OR 97007

Thursday, April 14, 2011 AOL: Rhtkaze1

Subj: Veterans' Preference for Oregon Public Service Positions
Date: 4/27/2010
To: Jim.Willis@state.or.us
CC: paul.evans@state.or.us, hr@ci.springfield.or.us, jcarroll@fellowsfarms.com,
bert.key@us.army.mil, tylere.marriott@verizon.net, orcommander@aol.com,
orvfwHQ@aol.com, scott.h.mccrae@mil.state.or.us
BCC: mikefrancis@news.oregonian.com, hmail@ci.beaverton.or.us, geowinslow@yahoo.com,
WolfcreekZ

This is to recommend a change to the ODVA website pertaining to veterans' preference.

Specifically, under the heading Application of Veteran Preference Points, it is stated that "Oregon state government provides qualifying veterans...with preference in employment in accordance with ORS 408.225, 408.230 and 408.235...."

Correct as far as it goes, but it doesn't go far enough. Oregon statutes prescribes that not only Oregon state government but also Oregon local governments (cities, counties and local service districts) shall provide hiring preference to qualified veterans.

Thus, the recommended change. The cited website should be more comprehensive and read something like the following: "Oregon statutes provide that the Oregon state government and local governments, i.e., county, city and local service districts, shall provide hiring preference to qualified veterans in accordance with ORS.408.225, 408.230, 408. 235...."

Should you question the foregoing, I refer you first to ORS 408.225 Definitions. Briefly, "Public employer" means a public body as that term is defined in ORS 174.109.

ORS 174.109 "Public body" means state government bodies, local government bodies and special district government bodies.

ORS 174.116 "Local government" and "local service district" defined. Local government means all cities, counties and local service districts located in the state. Local service district means utility, water supply, cemetery, maintenance, park and recreation, transportation, library districts and so on.

Why is the recommended change desirable? As an organization established to administer/advise on state laws pertaining to veterans and veterans benefits, it is believed veterans have a right to expect the information available on the ODVA website re state benefits to be accurate and complete. In this instance, as pointed out above, the info re Oregon veterans' preference is not complete. A veteran reading and relying on what is now stated on the website would not know he or she had preference rights for city, county and service district positions. I acknowledge that a veteran taking the time and experienced in wading through bureaucratic statutes and regulations on a computer, if he has access to a computer, should be able to figure it out. But how many do know how and take the time? Moreover, the veteran ought not have to. In my view ODVA should spell it out completely in plain English.

Changing the ODVA website as suggested would be beneficial in another way. As you know the Oregon veterans' preference laws have been on the books since SB-822 (2007) and HB-2510 (2009). However, I know many cities, and I suspect several counties and service districts, are not in compliance. For example, in the case of cities, a web page related to the Reintegration program lists several cities, listed presumably as potential employers. . I recently visited the websites of two: Springfield and Eugene. Neither website provides any info re veterans' preference or how to claim same. Visit the Lane County website and see if you can find even one word related to veterans' preference.

Thursday, April 14, 2011 AOL: Rhtkaze1

By e-mail I asked the Springfield HR manager if Springfield provided veterans' preference in hiring. That was several days ago and no reply yet. You can bet Springfield was not at the time I asked providing veterans preference in hiring and probably is still not. I asked Eugene for a copy of application form and any supplement re veterans' preference. Eugene too has not responded. Usually if an organization is applying veterans' preference such will be apparent from its website and application forms. For example, visit the Beaverton website and click on Jobs. You are immediately informed that Beaverton gives veterans preference. Download the Beaverton application form and you will see that it provides space for the veteran to claim preference. Portland provides a supplemental form by which to claim. Salem just recently also developed a supplemental form available to veterans.

It is not an absolute accurate test, but if an organization's website and application form do not provide for veterans' preference you can be pretty sure the organization does not grant veterans' preference. Are the local governments which do not provide preference scofflaws or just not aware of the statutory requirement. I suspect there may be a scofflaw here and there, but probably most are not aware.

A veteran uninformed of his rights applying to a local government not giving preference in essence has no rights. However, if that same veteran is informed, he or she can insist on veterans' preference, thus informing the unaware local government, clearing the way not only for himself but also for the veterans who may follow. Or if a scofflaw is involved, hopefully the veteran will file a complaint and BOLI will bring the scofflaw into line, thus the veteran helps enforce the law..

For the above reasons I suggest that ODVA bring its website fully into line with the statutes. Moreover I suggest you recommend that the Reintegration Program provide each returning soldier a copy of Dana Bennett's article on veterans' preference, thus informing all returning soldiers, including those without access to the internet, of their preference rights. Copy attached. In addition, I suggest you recommend to the Governor that when he speaks on veterans related issues he emphasize that Oregon law requires the state, cities, counties and service districts to give veterans preference in hiring.

Veterans' preference does not create jobs nor does it guarantee a job to every veteran. But it will give a leg up to the qualified veteran, which is what the citizens intended when their legislators passed the laws. There are reportedly 700 to 800 Guard soldiers coming home now who will be looking for jobs. Therefore, to help these veterans this matter deserves to be addressed with some urgency. Statutes unimplemented do no one any good. All who advocate for veterans, such as the VFW, and especially those who get paid to do so, are remiss if they do not do all within their means to see that the statutes are applied fully and with integrity.

I look forward to seeing changes on the ODVA website soon.

Robert H. Thornhill
Member VFW Post 1442

Thursday, April 14, 2011 AOL: Rhtkaze1

Subj: **THPRD Revised Application Materials**
Date: 5/27/2010 9:56:59 A.M. Pacific Daylight Time
From: Khobson@thprd.org
To: Rhtkaze1@aol.com
CC: Dmenke@thprd.org, Nhartman@thprd.org

Dear Mr. Thornhill

My name is Keith Hobson, the Director of Business and Facilities for the Tualatin Hills Park and Recreation District, and I oversee the Department of Human Resources. I'm writing to you on behalf of Doug Menke who is currently out of the office.

Thank you for your assistance to date in providing information relating to ORS 408.225 -.235, and the implementation of a Veterans Preference in hiring decisions. Accordingly, our Human Resources Department has amended our current recruitment materials as well as our administrative policy regarding recruitment and selection in order to implement the preference. As Doug had previously indicated to you, we are providing these to you for your review prior to our implementation, and we would certainly welcome any feedback that you have on these revisions.

Again thank you for your time and effort to bring this to our attention.

Keith D. Hobson, Director of Business and Facilities
Tualatin Hills Park and Recreation District

(503) 645-6433 Fax: (503) 629-6302
khobson@thprd.com

DISCLAIMER: This email is a public record of the Tualatin Hills Park and Recreation District and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

4
Wednesday, February 09, 2011 AOL: Rhtkaze1

Subj: **Re: Question From Patron Regarding Human Resources / Jobs**
Date: **5/3/2010 12:10:52 P.M. Pacific Daylight Time**
From: Nhartman@thprd.org
To: rhtkaze1@aol.com

Robert,

Thank you for your inquiry. Tualatin Hills Park and Recreation District is not local government entity (as defined by ORS 174.108). We are a special district with our own tax base.

For a list of current job openings, please visit our website at
http://www.thprd.org/about/hr/job_openings.cfm.
Application materials are also available on-line.

We wish you the best as you pursue your career goals.

- Nancy Hartman Noye

Nancy Hartman Noye, Human Resources Manager
TUALATIN HILLS PARK & RECREATION DISTRICT
15707 SW Walker Rd.
Beaverton, OR 97006

(503) 645-6433 fax (503) 214-8326
nhartman@thprd.org

>>> On 5/3/2010 at 10:05 AM, Robert Thornhill <rhtkaze1@aol.com> wrote:

Question / Comment from patron:

Name: Robert Thornhill
Phone Number: 503-848-8349
Email Address: rhtkaze1@aol.com
Question Type: Human Resources / Jobs

Message:

Is Thprd a local govt entity as defined by ORS 174.108? Reason I ask is that ORS 408.225-235 require such to give preference to vets in hiring. To provide such pref, the vet applicant must provide certain info. The thprd web site does not provide for a vet applicant to provide the info and no where does the site mention vet pref. Thus I conclude thprd does not grant vets pref. Right? Are you in violation of ORS 408.225 et seq? Would appreciate a response soon. Thank you.

sent by sitecontact

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Wednesday, February 09, 2011 AOL: Rhtkaze1

Subj: Re: Question From Patron Regarding Human Resources / Jobs
Date: 5/7/2010 2:33:10 P.M. Pacific Daylight Time
From: dmenke@thprd.org
To: Rhtkaze1@aol.com

Dear Mr. Thornhill:

Thanks for getting in touch ... THPRD always strives to meet or exceed the legal requirements that apply to public bodies in Oregon, including the requirement for preference in employment for veterans and disabled veterans. I have asked our Human Resources team to look over the application materials that the District uses in order to ensure compliance with the terms of ORS 408.225 to ORS 408.235 and to the extent those materials can be improved so as to make clear the District's desire to employ qualified veterans and disabled veterans, they will be.

So that you feel comfortable with that review, I hope you will allow us to send you a copy of the revised forms that develop from that review so you see the District is meeting its statutory obligation. We hope to have that review done in relative short order, hopefully within two weeks. Once these materials are complete, we will be in contact with you.

Thanks again for your inquiry.

Doug Menke – THPRD General Manager

Doug Menke, General Manager
Tualatin Hills Park & Recreation District
15707 SW Walker Road
Beaverton, OR 97006
503-645-6433

dmenke@thprd.org

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Subj: Re: Question From Patron Regarding Human Resources / Jobs
Date: 5/9/2010
To: dmenke@thprd.org
CC: nhartman@thprd.org
BCC: bert.key@us.army.mil, jcarroll@fellowsfarms.com, airassault410@hotmail.com,
geowinslow@yahoo.com

Mr. Menke,

Thank you for your response. I will be pleased to help in anyway I can to devise an efficient and legal veterans' preference system for THPRD.

The THPRD Human Resources Manager may already be aware of these resources but let me start in effort to help by citing them in case she is not aware of them. (1) Bureau of Labor and Industries www.oregon.gov/BOLI click on FAQs/Fact Sheets, scroll down to Veterans' Preference.

(2) Department of Veterans Affairs www.oregon.gov/ODVA click on Benefits, Benefits Provided by Oregon, Veterans Preference (on right of screen), you'll reach screen Application of Veterans Preference Points.

(3) Attached is a copy of an article by Dana Bennett distributed by the League of Cities which provides, in my view, as good an explanation of the requirements as I have read.

I suggest the first action required is to revise the THPRD application form to provide space for the veteran to claim preference and to provide info to support the claim. Suggestion below, without the little squares following Yes or No, for example"

Do you claim veterans' preference? Yes No If yes, mark your claim of 5 or 10 points below.
 5 points Attach DD-214 or DD-215 or other proof of service.
 10 points Attach VA letter showing receipt of disability compensation and/or award of Purple Heart.

The cities of Portland and Salem avoided revising their application forms by providing a supplemental form.

The resources cited above and ORS 408.225-235 make the provision of vet pref seem onerous and complicated. When Senate Bill 822 was requested the idea was to adopt the Federal system which flows from the Veterans Preference Act of 1994 codified in the Code of Federal Regulations. It is a fairly simple, straightforward system. For example, see 5 CFR Part 302 for the Excepted Service.

I am sure you have heard it said, and from experience as a manager know, that picking people is like picking horses- sometimes you win, sometimes you lose. Picking people, determining the best qualified, the one most likely to succeed on the job, taking into consideration EEO, vet pref, etc., is far from an exact science. But it does not have to be as complicated as the cited resources make it seem. And the requirement to give preference to veterans should not stand in the way of selecting winners. In my view, following are basic requirements:

1. Identify Knowledges, Skills, Abilities (KSAs) required to do the job. I am sure you already do this and KSAs are probably specified in vacancy announcements soliciting applications.
2. Screen out applications that do not show one or more of the required KSAs. Applicants screened out, including vets, require no further consideration.
3. If applications passing initial screen-out are assigned numerical scores via written tests or other means, such as assigning numerical values to individual KSAs, the rules are clear. Add the 5 or 10 points, as appropriate to the final scores of applications of veterans receiving passing scores. Refer usual number of candidates to the selecting official, in order of scores, for interview and selection. Sources speak of initial screen-out to determine who to interview. I have never heard of an employer reviewing applications solely to determine who to interview. In my experience as a manager, interviews are conducted only after applicants have been determined to otherwise be among best qualified.

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4. In the case of unscored applications, agencies are given discretion so long as can show veterans were provided special consideration. What I recommend is that in those instances where there are no clearly distinct differences in qualifications, refer 10 point veteran(s) at top of referral list, followed by 5 point vets, and then non-vets. Advise selecting official he or she can select from among veterans, that 10 point vets do not have priority over 5 point vets. However, if selecting official chooses to pass over all vets and select a non-vet, he or she must document reasons for not selecting a veteran. Reasons must be related solely to KSAs. Human Resources Manager decides if reasons for pass over legitimate and defensible should reasons be challenged.

5. If there a distinct, identifiable difference in qualifications permitting the ranking by qualifications, the method of giving special consideration is to move the qualified veteran (5 or 10 point) up one notch in the ranking.

6. Points to emphasize. Veterans must meet all qualifications requirements in order to receive preference. Moreover, ORS do not require qualified veterans to be selected. However, if not selected, record must show reason not selected and reason must be related to requirements of the position to be filled.

I appreciate the opportunity to be of assistance to THPRD in this matter. Hence this response to your message. I hope your Human Resources Manager will find it of some use. Obviously THPRD is not bound by any of it. Any questions let me know. If I think of something else that might be of benefit, I will send it in.

And thanks for all the good things THPRD does for the communities it serves.

Robert H. Thornhill

In a message dated 5/7/2010 2:33:10 P.M. Pacific Daylight Time, dmenke@thprd.org writes:

Dear Mr. Thornhill:

Thanks for getting in touch ... THPRD always strives to meet or exceed the legal requirements that apply to public bodies in Oregon, including the requirement for preference in employment for veterans and disabled veterans. I have asked our Human Resources team to look over the application materials that the District uses in order to ensure compliance with the terms of ORS 408.225 to ORS 408.235 and to the extent those materials can be improved so as to make clear the District's desire to employ qualified veterans and disabled veterans, they will be.

So that you feel comfortable with that review, I hope you will allow us to send you a copy of the revised

Subj: **Re: Veterans' Preference for Oregon Public Service Positions**
Date: 3/1/2010 8:14:46 A.M. Pacific Standard Time
From: mikefrancis@news.oregonian.com
To: Rhtkaze1@aol.com

Excellent letter, thank you. I've already passed the Bennett letter on to the governor's office. Will have opportunity to come back to it.

Mike Francis
Associate editor
The Oregonian
1320 SW Broadway
Portland, OR. 97201
503.412.7014

Oregon at War blog
<http://blog.oregonlive.com/oregonatwar/>
Oregon Opinion blog
<http://www.oregonlive.com/thestump/>

>>> <Rhtkaze1@aol.com> 2/28/2010 3:38:43 PM >>>
Mr. Francis:

Reference your article in 28 Feb 10 issue of The Sunday Oregonian: Job Well done over there...now where's a job back here?

I am prompted to write by what I find to be an appalling statement attributed to Governor Kulongoski and to member of his staff. "Kulongoski said his office is examining hiring rules to see if it can find ways to boost returning soldiers' efforts to find state jobs. It's not clear what sort of preference the law would permit, a staffer said." (underscoring added)

The Governor and his staff get paid to know the preference law, as well as other laws, and should be held accountable for not knowing. With respect to the preference law, the Governor is not without advisors. He has a veterans affairs advisor on his immediate staff. He has the Director of Veterans Affairs who in turn has a large staff. The Director of Veterans Affairs has a Veterans Advisory council established by law, access to the United Veterans Group of Oregon composed of reps of veterans organizations in the state, plus suggestions from various VFW posts and individual veterans. To paraphrase: Never have so many advised with such little apparent effect.

To get a clear understanding of "what sort of preference the law would permit" for Oregon state jobs you might suggest to the Governor, his staffer and his advisors on veterans' issues that they start by reading Senate Bill 822 (2008), HB-2510 (2009), ORS 408.225 et seq. Then they should advance to an article by Dana Bennett, published in the January 2010 issue of the League of Cities publication, In Focus. A copy of Bennett's article is attached. Dana Bennett and the LOC has given Portland's VFW Post 1442 permission to reproduce and distribute the article. Every returning Oregon service man and woman should be provided a copy of Dana Bennett's article.

Dana Bennett's article gives a detailed explanation in plain English of how Oregon veterans' preference is intended to operate. They will find that the preference system applies not only to state agencies, but also to cities, counties and special districts. Contrary to the simple-minded explanation that it is a point system, it is a preference system requiring the qualified and eligible veteran to be selected if equally or

Monday, February 14, 2011 AOL: Rhtkaze1

better qualified than non-veteran competitors. Points figure into the system only when candidates are assigned numerical scores via written tests or other means, which is probably in the minority of cases. As Ms. Bennett's article makes clear, an employer may non-select the equal or better qualified veteran only for reasons directly related to the veteran's qualifications for the vacancy for which competing. The employer must give the non-selected veteran reason(s) for non-selection, if the veteran requests. Finally, a veteran who believes preference rights have been violated may appeal to the Bureau of Labor and Industries per ORS 659A.820. If they have concerned themselves with this issue, I don't understand why the Governor, his staff and advisors on veterans' issues don't understand the sort of preference the law would permit as far as state jobs are concerned. Seems pretty straightforward and simple to me.

A recent review of city and county web sites indicated that a large number of cities and counties are not applying the preference system. Not because they are scowflaws, but probably because they are not aware of the system. Hence the Commander of VFW Post 1442 recently wrote the Executive Directors of the City, County and Special District organizations. Perhaps coincidentally, but the LOC responded with Dana Bennett's excellent article. No response from the County and Special District associations. Your newspaper could help close this knowledge gap. The Governor could use his so-called "bully pulpit" to close the gap and urge compliance.

Is the preference system being applied by state agencies? Presumably it is, but we do not know for sure. The sure way of knowing is to count the number of veterans hired. The Oregon system is based to a large degree on the federal system. Federal agencies report annually to Congress statistics on employment of veterans. These reports are available to the public through the US Office of Personnel Management. Thus the public knows which federal agencies are hiring veterans and which are not, and that the federal non-postal work force is composed of just over 25% veterans. Does anyone know how many veterans are employed by the state of Oregon? Does the Governor, the CEO of the state know? (If he does he is keeping it a secret.)

According to your article, Mr. Platt, the Chairman of Platt Electric, knows how many veterans his company has hired. There is no reason why the CEO of our state government should not know, and why we who pay his salary should not also know. Thus we would know if the preference system is working. It is suggested Governor Kulongoski could promote the employment of veterans by having the statistics collected, maintained and reported. With current IT it would cost little. He could work to make the state's record as an employer of veterans a record to be emulated. It takes more than a PR ploy of "Hire a veteran day." Equally important, veterans, even those not interested in public employment, would know that the people of Oregon appreciate their service, and through the legislature have passed bills to promote their public employment, bills that public employees are paid to implement.

Beyond the current system, Governor Kulongoski could require all Oregon State-let contracts to contain a requirement that the contractor shall conduct outreach programs to recruit veterans and shall give hiring preference to qualified veterans. Supposedly we are rebuilding Oregon with federal stimulus dollars. The Governor should take action to ensure that veterans participate in this rebuilding. The federal government has such a program. (See Title 38 USC 4212)

The Governor could establish a formal system to recognize and commend employers such as Platt Electric who excel in employing veterans. He would thereby let veterans and the public know which employers truly appreciate the sacrifices of citizens who have answered the call to arms.

Veterans' preference, of course, will not create jobs, nor will it ensure that veterans get hired. But it does give the veteran a leg up in competing for the few jobs available. That is what the system intends, what the representatives of the people intended by enacting SB-822 and HB-2510, and what citizens who have answered the nation's call to arms deserve.

To another aspect of your article: You write about the drizzly day a group of politicians at the mobilization ceremony for the 41st Brigade Combat Team made promises to work to make it easier for them and their families. Among those politicians was Senator Jeff Merkley. Now according to your newspaper (Metro Section, Monday, 28 Apr 08) Senate candidate Merkley "jumped out with a proposal to grant free college tuition for families of anyone in uniform who dies in the line of duty. The Oregon Legislature passed a similar bill, Merkley said, and he would push Congress to do the same" The Oregon bill is SB-1066 (section 9) (2008) amended by SB-595 (2009). To give credit where credit is due: Section 9, SB-1066, university tuition waiver program, was introduced by former Senator Vicki Walker, supported by Senate President Peter Courtney, language crafted by Senator Mark Hass. SB-595 was introduced by Senator Mark Hass. The program was endorsed and supported by University Chancellor George Pemsteiner. It is doubtful it would have passed without Chancellor

Pernsteiner's support.

Anyway, Senator Merkley has been in Washington for over a year now. As far as can be determined Merkley has done nothing to fulfill his campaign pledge. He has failed to respond to at least three follow ups asking when and if expects to take action to fulfill the pledge. It takes more than words on his web site. It is hoped it is not the case, but to put it bluntly, it appears Merkley is not unlike so many politicians - wave off, forget their pledges once they get their nose in the public trough. The public should know of Merkley's apparent failure to act on his pledge. He should be required to tell the public when and if he intends to act on his pledge.

Perhaps you can make use of the foregoing to stir action on behalf of the soldiers you refer to in your article. At least perhaps you can get into the hands of the Governor and Senator Merkley for a response to you.

Robert H. Thornhill
Veteran (Not looking for work)
Beaverton, Oregon
503-848-8349

